



# NATIONAL ASSOCIATION OF THE DEAF

814 THAYER AVENUE • SILVER SPRING, MARYLAND • 20910-4500  
HEADQUARTERS: 301-587-1788 VOICE • 301-587-1789 TTY • 301-587-1791 FAX  
BOOKSTORE: 301-587-6282 VOICE • 301-587-6283 TTY • 301-587-4873 FAX

October 18, 1996

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Mr. William F. Caton  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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Federal Communications Commission  
Office of Secretary

Re: In the Matter of Revision of the Commission's Rules  
To Ensure Compatibility with Enhanced 911 Emergency  
Calling Systems, CC Dkt. 92-102

Dear Mr. Caton:

Enclosed please find an original and four copies of the Reply of the National Association of the Deaf in Support of the Opposition to the Petitions for Reconsideration filed by the Personal Communications Industry Association, the Telecommunications Industry Association, and Omnipoint in the in the above captioned proceeding.

I would appreciate your referring all correspondence regarding this matter to my attention.

Sincerely,

Karen Peltz Strauss  
Legal Counsel for Telecommunications Policy

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility with	)	RM-8143
Enhanced 911 Emergency Calling Systems	)	

**REPLY IN SUPPORT OF OPPOSITION TO PETITIONS FOR RECONSIDERATION**

Karen Peltz Strauss  
Legal Counsel for Telecommunications Policy  
National Association of the Deaf  
814 Thayer Avenue  
Silver Spring, MD 20910-4500  
(301) 587-1788 (V)  
(301) 587-1789 (TTY)

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**REPLY COMMENTS OF  
THE NATIONAL ASSOCIATION OF THE DEAF**

**I. Introduction**

The National Association of the Deaf ("NAD") submits this reply in support of the Opposition and Response of the Texas Advisory Commission on State Emergency Communications (Opposition), filed in response to petitions for reconsideration in the above referenced docket. At least three such petitions had requested the Federal Communications Commission (FCC or Commission) to delay and/or modify the FCC's mandate for covered wireless carriers to transmit TTY calls to E911 services within twelve months.

In reply comments submitted in response to the Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 94-102 (released July 26, 1996) ("R&O"), the National Association of the Deaf reported on the need to ensure that deaf and hard of hearing individuals who use TTYs have the same access to 911 emergency services as do all other Americans. Similarly, our comments echoed the statements made in the Commission's own Report and Order on the importance of ensuring access to the enhanced features of E911 systems for calls initiated through mobile services, and further noted that deaf and hard of hearing persons must also be able to

benefit from the increased accuracy and reliability that these automatic number identification (ANI) and automatic location identification (ALI) features can offer.

## II. The Commission Should Not Modify its TTY Compatibility Requirements.

Petitioners raise concerns about their ability to resolve the technical issues necessary to achieve compliance with the Commission's TTY compatibility requirements within the one year period established by the new R&O. See e.g. PCIA petition at 11, TIA petition at 13.<sup>1</sup> The request for an extension of time for compliance suggests that wireless industry groups are first learning of the need to ensure access for TTY users. Yet, the Commission's mandate for TTY access to enhanced 911 services via radio transmission services is hardly a surprise for the wireless industry. Rather, the final rule which produced this mandate was first initiated as many as two years ago in the Notice of Proposed Rulemaking issued in this docket. Revision of the Commission's rules to ensure compatibility with enhanced 911 emergency calling systems at ¶54 (released October 19, 1994). Having been on notice for the past two years, the industry should not be permitted to come in at the eleventh hour and secure an unspecified amount of additional time to provide this very basic access.

Past experience has shown the adverse consequences that can result when there is no specific deadline to achieve accessibility for a particular product or service. This is perhaps best demonstrated by the difficulties now being encountered with respect to the failure of the wireless

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<sup>1</sup> TIA also suggests that the Commission is attempting to extend the compatibility requirements beyond what Congress intended in Section 255 of the Telecommunications Act. TIA Petition at 14. In support of this assertion, TIA states that Section 255 only requires compatibility "if readily achievable." Yet the record in this case hardly supports a premature finding that the transmission of TTY calls through radio communications services is not readily achievable, especially when the industry groups responsible for achieving this access themselves admit that they have done so little to resolve the technical issues to date. Moreover, TIA itself states that "solutions to TTY/wireless compatibility are possible." TIA Petition at 14.

industry to ensure that digital telephones are compatible without interference for hearing aid users. While consumers greatly appreciate the efforts which these industry groups are now taking to eliminate these compatibility and interference problems, the failure to make those telephones accessible from the outset has and will continue to result in many years' delay in the use and enjoyment of these phones for individuals who use hearing aids. Conversely, where federal deadlines for access have been implemented, results have been beneficial for both consumers and industry. For example, the Television Decoder Act of 1990, 47 U.S.C. §§303,330, and its implementing regulations established a clear timeline for the incorporation of decoder capabilities into all televisions sets. At the time that the Decoder Act was being contemplated by Congress, many in the television manufacturing industry protested the idea of a definite time by which the decoder requirement would go into effect. Yet when the deadline was in fact established, full compliance by all industry members was achieved, providing deaf and hard of hearing viewers with essential access to some of the television programming enjoyed by all Americans.

Omnipoint goes even further than other petitioners, to request modification of the Commission's TTY compatibility Order in a way that would virtually eliminate emergency access for TTY users through wireless services. First, Omnipoint proposes that TTY calls to a 7-digit emergency number not be subject to the ANI and ALI features required by the new Commission rules. Omnipoint Petition at 9. In support of this proposal, Omnipoint states: "[n]ot all PSAPs accept TTY calls at the 911 number. Instead, some PSAPs require TTY calls to be directed to a standard 7-digit number." *Id.* at 9.

In fact, however, federal law does require all 911 systems to be directly accessible to TTYs. 28 C.F.R. §35.162. In promulgating that requirement, the Department of Justice

explained why reliance on 7-digit numbers for TTY users - where 911 access is otherwise available - is not permitted:

The requirement for direct access disallows the use of a separate seven-digit number where 911 service is available. Separate seven-digit emergency call numbers would be unfamiliar to many individuals and also more burdensome to use. A standard emergency 911 number is easier to remember and would save valuable time spent in searching in telephone books for a local seven-digit emergency number.

Americans with Disabilities Handbook, EEOC/DOJ at II-71.

We support the Opposition to Omnipoint's petition because it is critical for TTY users to have the same access to enhanced 911 services as is available to all Americans. As we noted in our reply comments in this proceeding, for deaf, hard of hearing, or speech impaired callers, ANI and ALI are not only helpful; often they can make the critical difference between life and death in an emergency situation. This is because, among other things, with these enhanced services, 911 personnel have immediate information as to whether the caller is deaf, hard of hearing and/or speech impaired, which can eliminate time wasted trying to establish voice contact with the caller.

For the same reasons that TTY users need access to ANI and ALI - i.e. the need to facilitate and expedite emergency response time - the second proposal set forth in Omnipoint's petition is equally unworkable in an emergency setting. Specifically, Omnipoint suggests that the Commission allow the use of handset keypad-originated text messages - or Short Message Service (SMS) - to achieve compliance with the mandate to transmit 911 calls from individuals with speech or hearing disabilities. As described by Omnipoint, SMS enables a written message to be sent using the keypad, ascribing a different letter for each number of the keypad according to the number of times the number is pressed. Put simply, it is hardly conceivable that an

individual is going to have the presence of mind to tap out an appropriate message in this fashion in the throes of an emergency situation. Indeed, time and again, such a messaging service has been rejected as being too cumbersome even for ordinary calls. For fairly obvious reasons this type of encoded messaging would be absurd in an emergency situation where emotions and stress would blur one's ability to tap out a message in code.<sup>2</sup>

### III. Conclusion

As noted in the Opposition filed by the Texas Advisory Commission on State Emergency Communications, , the FCC appropriately recognized that TTY access to 911 services is critical to the public safety of the millions of Americans who have hearing and speech disabilities. Opposition at 9, citing R&O ¶51. The Opposition is correct in stating that the petitions now before the Commission can only hinder recent legislative and regulatory trends to finally create “an equal playing field in telecommunications for all people in the United States.” Opposition at 11.

In an effort to close the telecommunications gap, the FCC appropriately issued its mandate for wireless companies to transmit TTY calls to 911 services within one year. The FCC's Order is consistent with and essential for the proper implementation of Title II of the Americans with Disabilities Act, which requires full and complete access to 911 services via TTYs, and Section 255 of the Telecommunications Act, which requires providers of telecommunications services to make their services accessible to individuals with disabilities. For these reasons and the reasons set forth above, we support the Opposition and strongly urge the Commission to reject the

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<sup>2</sup> Moreover, as described by Omnipoint, SMS would appear to allow only one way messaging, from the TTY user to the 911 dispatcher. This would not permit the two way dialogue that is often critical in life threatening situations.

petitions for reconsideration on the TTY compatibility issue.

Respectfully submitted,

A handwritten signature in cursive script that reads "Karen Peltz Strauss".

Karen Peltz Strauss  
Legal Counsel for Telecommunications Policy  
National Association of the Deaf  
814 Thayer Avenue  
Silver Spring, MD 20910-4500  
(301) 587-1788 (V)  
(301) 587-1789 (TTY)

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